

A bill for an act

relating to traffic regulations; modifying provisions governing operation of wireless communications device while operating motor vehicle; amending Minnesota Statutes 2008, sections 169.475; 171.05, subdivision 2b; 171.055, subdivision 2; repealing Minnesota Statutes 2008, section 169.443, subdivision 9.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 169.475, is amended to read:

**169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.**

~~Subdivision 1. **Definition.** For purposes of this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, e-mail, a text message, an instant message, a command or request to access a World Wide Web page, or other data that uses a commonly recognized electronic communications protocol. An electronic message does not include voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communications device without direct initiation by a person.~~

Subd. 2. **Prohibition on use.** No person may operate a motor vehicle while using a wireless communications device ~~to compose, read, or send an electronic message,~~ when the vehicle is in motion or a part of traffic.

Subd. 3. **Exceptions.** This section does not apply if a wireless communications device is used:

(1) solely in a voice-activated or other hands-free mode by a person who is not a school bus driver operating a school bus, an instruction permit holder, or a provisional license holder;

(2) ~~for making a cellular phone call by the operator of an authorized emergency vehicle in the performance of official duties;~~

(3) ~~for obtaining emergency assistance to (i) report a traffic accident, medical emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed to report an illegal activity;~~

(4) ~~in the reasonable belief that a person's life or safety is in immediate danger to summon medical emergency assistance; or~~

(5) ~~in an authorized emergency vehicle while in the performance of official duties to attempt to prevent injury to a person or property.~~

Sec. 2. Minnesota Statutes 2008, section 171.05, subdivision 2b, is amended to read:

Subd. 2b. **Instruction permit use by person under age 18.** (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

(b) The permit holder may, with the permit in possession, operate a motor vehicle, but must be accompanied by and be under the supervision of a certified driver education instructor, the permit holder's parent or guardian, or another licensed driver age 21 or older. The supervisor must occupy the seat beside the permit holder.

(c) The permit holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04, subdivision 1. The commissioner shall not record a violation of this paragraph on a person's driving record.

~~(d) The permit holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The permit holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger. Violation of this paragraph is a petty misdemeanor subject to section 169.89, subdivision 2.~~

~~(e)~~ The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit

3.1 holder drives a motor vehicle in violation of the law, the commissioner shall suspend,  
3.2 cancel, or revoke the permit in accordance with the statutory section violated.

3.3 Sec. 3. Minnesota Statutes 2008, section 171.055, subdivision 2, is amended to read:

3.4 Subd. 2. **Use of provisional license.** (a) A provisional license holder may operate a  
3.5 motor vehicle only when every occupant under the age of 18 has a seat belt or child  
3.6 passenger restraint system properly fastened. A person who violates this paragraph is  
3.7 subject to a fine of \$25. A peace officer may not issue a citation for a violation of this  
3.8 paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle  
3.9 for a moving violation as defined in section 171.04. The commissioner shall not record a  
3.10 violation of this paragraph on a person's driving record.

3.11 ~~(b) A provisional license holder may not operate a vehicle while communicating~~  
3.12 ~~over, or otherwise operating, a cellular or wireless telephone, whether handheld or~~  
3.13 ~~hands free, when the vehicle is in motion. The provisional license holder may assert~~  
3.14 ~~as an affirmative defense that the violation was made for the sole purpose of obtaining~~  
3.15 ~~emergency assistance to prevent a crime about to be committed, or in the reasonable~~  
3.16 ~~belief that a person's life or safety was in danger. Violation of this paragraph is a petty~~  
3.17 ~~misdemeanor subject to section 169.89, subdivision 2.~~

3.18 ~~(e)~~ If the holder of a provisional license during the period of provisional licensing  
3.19 incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections  
3.20 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more  
3.21 than one conviction for a moving violation that is not crash related, the person may not be  
3.22 issued a driver's license until 12 consecutive months have expired since the date of the  
3.23 conviction or until the person reaches the age of 18 years, whichever occurs first.

3.24 ~~(d)~~ (c) For the first six months of provisional licensure, a provisional license holder  
3.25 may not operate a motor vehicle carrying more than one passenger under the age of 20  
3.26 years who is not a member of the holder's immediate family. For the second six months,  
3.27 the holder of the license may not operate a motor vehicle that is carrying more than three  
3.28 passengers who are under the age of 20 years and who are not members of the holder's  
3.29 immediate family. This paragraph does not apply if the provisional license holder is  
3.30 accompanied by a parent or guardian.

3.31 ~~(e)~~ (d) For the first six months of provisional licensure, a provisional license holder  
3.32 may operate a motor vehicle between the hours of midnight and 5:00 a.m. only when  
3.33 the license holder is:

3.34 (1) driving between the license holder's home and place of employment;

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- 4.1 (2) driving between the license holder's home and a school event for which the  
4.2 school has not provided transportation;  
4.3 (3) driving for employment purposes; or  
4.4 (4) accompanied by a licensed driver at least 25 years of age.

4.5 Sec. 4. **REPEALER.**

4.6 Minnesota Statutes 2008, section 169.443, subdivision 9, is repealed.

APPENDIX  
Repealed Minnesota Statutes: 09-1894

**169.443 SAFETY OF SCHOOL CHILDREN; BUS DRIVER'S DUTIES.**

Subd. 9. **Personal cellular phone call prohibition.** (a) As used in this subdivision, "school bus" has the meaning given in section 169.011, subdivision 71. In addition, the term includes type III vehicles as described in section 169.011, subdivision 71, clause (5), when driven by employees or agents of school districts.

(b) A school bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether handheld or hands free, when the vehicle is in motion.